

SENATE BILL 499

E4

0lr2435
CF HB 1222

By: **Senator Raskin**

Introduced and read first time: February 3, 2010

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 26, 2010

CHAPTER _____

1 AN ACT concerning

2 **Correctional Services – Division of Parole and Probation – Supervision Fee**

3 FOR the purpose of ~~transferring certain responsibilities relating to the assessment of a~~
4 ~~certain supervision fee from the Parole Commission to the Division of Parole~~
5 ~~and Probation; repealing a requirement that the Division of Parole and~~
6 ~~Probation investigate requests for a certain exemption under certain~~
7 ~~circumstances; requiring the Division to conduct a certain examination of a~~
8 ~~supervisee at certain times for certain purposes; defining a certain term;~~
9 ~~making conforming changes; and generally relating to fees paid by individuals~~
10 ~~supervised by the Division of Parole and Probation~~ requiring the Department of
11 Public Safety and Correctional Services to explain and provide certain
12 information to a releasee; and generally relating to providing information on
13 exemption from fees paid by individuals supervised by the Division of Parole
14 and Probation.

15 BY ~~repealing and reenacting, with amendments,~~ adding to
16 Article – Correctional Services
17 Section ~~7-702~~ 7-702(j)
18 Annotated Code of Maryland
19 (2008 Replacement Volume and 2009 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article – Correctional Services**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 7-702.

2 (a) ~~(1) In this section, “supervisee” THE FOLLOWING WORDS HAVE~~
 3 ~~THE MEANINGS INDICATED.~~

4 ~~(2) “DIVISION” MEANS THE DIVISION OF PAROLE AND~~
 5 ~~PROBATION.~~

6 ~~(3) “SUPERVISEE” means an individual supervised by the Division~~
 7 ~~[of Parole and Probation for the Commission].~~

8 (b) ~~Unless a supervisee is exempted by the [Commission] DIVISION under~~
 9 ~~subsection [(d)] (C) OR (II) of this section, the [Commission] DIVISION shall assess a~~
 10 ~~monthly fee of \$40 as a condition of supervision for each supervisee.~~

11 (c) ~~(1) The fee assessed under subsection (b) of this section shall be paid~~
 12 ~~to the Division of Parole and Probation.~~

13 ~~(2) The Division of Parole and Probation shall pay all money collected~~
 14 ~~under this section into the General Fund of the State.~~

15 (d) ~~The [Commission] DIVISION may exempt a supervisee wholly or partly~~
 16 ~~from the fee assessed under subsection (b) of this section if:~~

17 ~~(1) the supervisee has diligently attempted but has been unable to~~
 18 ~~obtain employment that provides sufficient income for the supervisee to pay the fee;~~

19 ~~(2) (i) the supervisee is a student in a school, college, or university~~
 20 ~~or is enrolled in a course of vocational or technical training designed to prepare the~~
 21 ~~supervisee for gainful employment; and~~

22 ~~(ii) the institution in which the supervisee is enrolled supplies~~
 23 ~~certification of student status to the [Commission] DIVISION;~~

24 ~~(3) the supervisee has a disability that limits possible employment, as~~
 25 ~~determined by a physical or psychological examination that the [Commission]~~
 26 ~~DIVISION accepts or orders;~~

27 ~~(4) the supervisee is responsible for the support of dependents and the~~
 28 ~~payment of the fee constitutes an undue hardship on the supervisee; or~~

29 ~~(5) other extenuating circumstances exist.~~

30 ~~(D) THE DIVISION SHALL PAY ALL MONEY COLLECTED UNDER THIS~~
 31 ~~SECTION TO THE GENERAL FUND OF THE STATE.~~

1 ~~(e) The fee assessed under subsection (b) of this section is in addition to court~~
2 ~~costs and fines.~~

3 ~~(f) (1) If a supervisee does not comply with the fee requirement:~~

4 ~~(i) the Division [of Parole and Probation] shall notify the~~
5 ~~Commission; and~~

6 ~~(ii) the Commission may revoke parole or mandatory~~
7 ~~supervision.~~

8 ~~(2) The Commission shall conduct a hearing to determine if there are~~
9 ~~sufficient grounds to find the supervisee in violation of the fee requirement.~~

10 ~~(3) At a hearing under this subsection, the Commission may consider:~~

11 ~~(i) any material change in the supervisee's financial status;~~

12 ~~(ii) good faith efforts of the supervisee to pay the fee; and~~

13 ~~(iii) alternative means to assure payment of the fee before the~~
14 ~~period of supervision ends.~~

15 ~~(g) (1) In addition to the fee assessed under subsection (b) of this section,~~
16 ~~the Division [of Parole and Probation] may require a supervisee to pay for drug or~~
17 ~~alcohol abuse testing that the Commission orders.~~

18 ~~(2) If a supervisee fails to pay for drug or alcohol abuse testing as~~
19 ~~required by the Division [of Parole and Probation], the Commission may revoke parole~~
20 ~~or mandatory supervision.~~

21 ~~(3) If the Division [of Parole and Probation] determines that any of~~
22 ~~the criteria specified in subsection [(d)] (C) of this section are applicable, the Division~~
23 ~~may exempt a supervisee wholly or partly from a payment for drug or alcohol abuse~~
24 ~~testing.~~

25 ~~(h) The Division [of Parole and Probation] shall:~~

26 ~~(1) adopt guidelines for collecting the supervision fee;~~

27 ~~(2) adopt guidelines for collecting the cost of drug and alcohol abuse~~
28 ~~testing; and~~

29 ~~(3) [investigate requests for an exemption from payment if the~~
30 ~~Commission requests an investigation] CONDUCT AN EVALUATION OF EACH~~
31 ~~SUPERVISEE AT THE BEGINNING OF THE SUPERVISEE'S PAROLE OR MANDATORY~~

1 ~~SUPERVISION TERM AND WHEN A CHANGE IN CIRCUMSTANCES OCCURS TO~~
2 ~~DETERMINE WHETHER TO EXEMPT THE SUPERVISEE WHOLLY OR PARTLY FROM~~
3 ~~THE FEE ASSESSED UNDER SUBSECTION (B) OF THIS SECTION.~~

4 ~~(i) The Division [of Parole and Probation] shall:~~

5 ~~(1) keep records of all payments by each supervisee; and~~

6 ~~(2) report delinquencies to the Commission.~~

7 **(J) THE DEPARTMENT SHALL EXPLAIN AND PROVIDE IN WRITING TO**
8 **EACH RELEASEE:**

9 **(1) THE EXEMPTION CRITERIA LISTED IN SUBSECTION (D) OF**
10 **THIS SECTION; AND**

11 **(2) INFORMATION ON HOW TO APPLY FOR AN EXEMPTION FROM**
12 **THE FEE ASSESSED UNDER SUBSECTION (B) OF THIS SECTION.**

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2010.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.